



WRITTEN TESTIMONY OPPOSING SB 1052
SENATE NATURAL RESOURCES, ENVIRONMENT AND GREAT LAKES COMMITTEE
Thursday, May 3, 1012, 8:30am

Dear Mr. Chairman and Honorable Members of the Committee:

Thank you for holding hearings on this bill today, and for the opportunity to submit written comments.

Five years ago, Tip of the Mitt Watershed Council participated in negotiations with Save Our Shoreline (SOS), state and federal agencies, the tribes, and other citizen, environmental, and conservation groups. Those negotiations created a General Permit (GP) program at low cost to applicants, and allowed access to the lake and use of beaches in low water level periods.

SOS PRAISED THE GP IN NEWSLETTERS AS RECENTLY AS THIS YEAR. Here's a quote from their January 2012 edition:

"For the most part the membership did not have any issues with the D.E.Q. or the Army Corp of Engineers (ACOE). This is great news ... a much more reasonable approach as compared to state regulations implemented in the late 1990s. It simplified the permit application process for any beach grooming activities that had only a minimal adverse effect on the environment or aquatic resources. It also avoided the much more time consuming and expensive process of obtaining an individual permit."

The current GP is expiring, and all we need to do is re-issue the existing GP. This is not a matter of opinion; DEQ statistics show the success of this program:

- 95% of shoreline management general permits were issued
- Only 1 application was denied because the project exceeded the limits of the general permit and feasible and prudent alternatives existed.
- Of the shoreline management activities that were public noticed, only 3 were denied due to adverse impacts to the resource and feasible and prudent alternatives available.
- Over the course of almost 5 years, the DEQ denied a total of 4 shoreline management permits for adverse impacts to the resource and the existence of alternatives.

Great Lakes coastal wetlands are the most valuable ecological areas in the Great Lakes, and critical to the Great Lakes ecosystem, as a whole. That is why this successful GP process is so important. This bill prohibits the DEQ from regulating shoreline management activities, but scientific research shows that those exact shoreline management activities have significant impacts on the health of coastal wetlands and the Great Lakes.

During low water periods, shorebirds and mammals benefit from access to the exposed bottomlands. As vegetated areas are flooded when the lake levels rise again, fish and waterfowl benefit. Throughout the cycle, if left unhampered, coastal wetlands provide a range of important functions, including fish and wildlife habitat; barriers to shoreline erosion; water quality protection from filtering out pollutants before they enter water supplies; and commercial activity, such as hunting, fishing, and bird and wildlife watching.

Unregulated mowing, grooming, and vegetation removal affect fish food supplies, nurseries for numerous species, and protective habitat – not only on YOUR property if you groom, but also affecting your NEIGHBOR'S PROPERTIES, who might not agree with grooming, because they like healthy fish.

Unfortunately, this bill also includes inappropriate measures that interfere with the public trust. SB 1052 deregulates essentially all activities from below the ordinary high water mark. The bottomlands can be conveyed by deed, marina lease, or use agreement. Examples of these conveyances are deeds for filled subdivision lots on Lake St. Clair; lease for commercial marinas and ferry boats at the Straits of Mackinac; and agreements for coal and stone product docks at various ports throughout the state. However, with the deregulation to the water's edge, the state loses the ability to offer the conveyances and this, subsequently, will hurt the economy and public access.

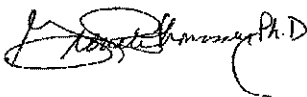
This bill will also restrict public shoreline access. In Michigan, the public has a right of access along the Great Lakes shoreline up to the ordinary high water mark. By allowing undefined maintenance to the water's edge, private landowners could erect barriers that impede the public's shoreline access, effectively overturning the 2005 Michigan Supreme Court ruling in Glass v. Goeckel, which affirmed the public's right to walk along the shores of the Great Lakes.

Science shows unregulated beach grooming has long lasting adverse impacts to the health of coastal wetlands and the Great Lakes. We have a successful program that is working to provide shoreline access and recreation to property owners, while also providing important protections to our Great Lakes coastal wetlands.

We hope you will see that SB 1052 is not necessary and can have significant consequences for Michigan's economy and the Great Lakes. Please vote "No" on SB 1052.

Thank you for your consideration of these comments. If you have any questions, or would like to discuss anything further, please don't hesitate to contact either of us at 231-347-1181.

Sincerely,



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